



Department of Energy
Washington, DC 20585

JUN 20 2018

Ramya Krishnan
Knight First Amendment Institute at
Columbia University
1140 Amsterdam Avenue
206 Kent Hall
New York, NY 10027

Via email: ramya.krishnan@knightcolumbia.org

Re: HQ-2018-00407-F

Dear Mr. Krishnan:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

1. All non-disclosure agreements and other agreements, including templates or standard forms of such agreements, imposing prepublication-review obligations on agency and/or former agency employees;
2. All documents relating to administrative appeals filed from prepublications-review determinations, including but not limited to:
 - a. administrative appeals;
 - b. any correspondence or back-and-forth between an agency and an individual who filed an administrative appeal; and
 - c. final decisions with respect to administrative appeals;
3. All documents relating to any form of sanction imposed, or considered for imposition, on agency and/or former agency employees for failure to comply with their prepublication-review obligations.

Your request was initially assigned to DOE's Office of the Executive Secretariat (ES) and the National Nuclear Security Administration (NNSA) to conduct a search of their files for responsive documents. Upon further consideration, it was determined that your request did not fall under ES jurisdiction, but rather DOE's Office of General Counsel (GC), Office of Environment, Health, Safety and Security (AU), Office of Intelligence and Counterintelligence (IN), and the National Energy Technology Laboratory (NETL). Your request was assigned to GC, AU, IN, and NETL, in addition to NNSA, to conduct a search of their files for responsive documents.

In a letter dated January 31, 2018, you were informed your request was transferred to NNSA to conduct a search of its files and provide a response to you. NNSA will respond separately.



DOE began the search on January 24, 2018, which is the cut-off date for responsive documents. DOE completed its search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for GC, AU, IN and NETL. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in the respective offices.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line. The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our January 4, 2018, letter you were informed your request was placed in the "educational" category for fee purposes. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost. In that same letter, a fee waiver was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact:

Tamra T. Moore
United States Department of Justice
Civil Division – Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
Direct Dial: (202) 305-8628
Fax: (202) 305-8517

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Morris', with a long, flowing horizontal stroke extending to the right.

Alexander C. Morris
FOIA Officer
Office of Public Information